

**THE HON'BLE SRI JUSTICE B.PRAKASH RAO
&
THE HON'BLE SRI JUSTICE G.BHAVANI PRASAD**

**WRIT PETITION NO : 10012 of 1997
14.08.2006**

Between:

Singamaneni Gopala Krishnaiah, s/o Ananthaiah, 60 years,
Marlapadu village, Tangutur mandal, Prakasam District.

**.....
PETITIONER**

AND

A.P. Administrative Tribunal, repd by its Chairman, Hyderabad
and others.

.....RESPONDENTS

**THE HON'BLE SRI JUSTICE B.PRAKASH RAO
&
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ORDER: (Per the Honourable Sri Justice B.Prakash Rao)

Heard both sides in this writ petition.

The petitioner, who is the unsuccessful applicant before the A.P. Administrative Tribunal, Hyderabad, seeks a writ of mandamus declaring the orders passed in O.A.No:1558 of 1997 on 27.3.1997 as illegal.

The facts in brief are that in the said O.A. filed under section 19 of the A.P. Tribunals Act, the petitioner sought to assail the orders in G.O.Ms.No:7, dated 8.1.1997 appointing the contesting-5th respondent herein to the post of Village Administrative Officer. The case of the petitioner is squarely based on the ground that the certificate, on which the appointment of the 5th respondent is based, is totally a bogus one and therefore, the case of the 5th respondent shall not be considered.

Further, it is the case of the petitioner that he was one of the applicants at the time of selection and though he was qualified, his case was not considered for the appointment as the Village Administrative Officer, but basing on the bogus certificate, the contesting-5th respondent was appointed. Aggrieved by the same, an appeal was filed by the applicant before the Collector and the same was allowed. On that, the revisions preferred by the 5th respondent were dismissed. On the review

preferred by the 5th respondent, the 2nd respondent herein passed an order directing the authorities to consider the claim of the 5th respondent for appointment as Village Administrative Officer to any other village. The said order has been challenged in the present O.A. The Tribunal has dismissed the said O.A. only on the ground that the petitioner has no locus standi and though the O.A. has been filed as public interest litigation, there is no public interest involved in the litigation.

Having heard both the counsel and perused the material, it is quite apparent that the petitioner is one of the applicants for the appointment of Village Administrative Officers and he is not a third party and the O.A. is not filed as a public interest litigation. It is further to be noticed that the order of the 4th respondent, dated 3.8.1993 has been passed only at the instance of the appeal filed by the petitioner. Therefore, the very appointment is challenged at the instance of the petitioner all along on the ground that such appointment is based on bogus certificate. Hence, it cannot be said that the petitioner has no locus standi nor can it be said that the case is of public interest in nature.

Having regard to the aforesaid reasons, We are of the view that the petitioner can squarely be fall within the definition of "aggrieved party" invoking the provisions of the A.P. Tribunals Act and since the matter has not been gone into on its own merits by the Tribunal, it requires to be reconsidered afresh.

The writ petition is allowed accordingly setting aside the order of the Tribunal and the matter is remitted back to the Tribunal for fresh disposal on its own merits.

(B.PRAKASH RAO, J)

14TH AUGUST, 2006.

(G.BHAVANI PRASAD, J)

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THE HON'BLE SRI JUSTICE B.PRAKASH RAO
&
THE HON'BLE SRI JUSTICE G.BHAVANI PRASAD

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WRIT PETITION NO :10012 of 1997
(Order delivered by the Honourable Sri.Justice B.PRAKASH
RAO)

14TH AUGUST, 2006

